CLERK'S OFFICE U.S. DIST. COURT AT DANVILLE, VA FILED FOR RIVE

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

DEC 0 6 2010

|                    | ROANOKE DIVISION     | JULIA C. DUDLEY, CLERK<br>BY: HMCDENGOOD |
|--------------------|----------------------|--|
| JACOB SHOUSE,      | ) Civil Action No. 7 | :10-cv-0006 PEPUTY CLERK                 |
| Plaintiff,         | )                    |  |
|                    | )                    |  |
| <b>v.</b>          | ) <u>ORDER</u>       |  |
|                    | )                    |  |
| TRACY RAY, et al., | ) By: Hon. Jackson   | n L. Kiser                               |
| Defendants.        | ) Senior United Sta  | tes District Judge                       |

In accordance with the accompanying memorandum opinion, it is hereby

## **ORDERED**

that this civil action is hereby **DISMISSED without prejudice**, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, for failure to prosecute; all pending motions shall be **TERMINATED** accordingly; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this order to the plaintiff and counsel of record for the defendants.

ENTER: This Gay of December, 2010.

Senior United States District Judge